

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE PROPERTY AND CASUALTY
INITIATIVE, LLC,
Plaintiff,

v.

UNITED STATES OF AMERICA acting through
the NATIONAL CREDIT UNION
ADMINISTRATION,
Defendant.

C.A. No. 05-10520-RCL

**DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(1) and 12(b)(6).**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), the defendant, the United States of America, acting through the National Credit Union Administration (collectively, “United States”), hereby submits this motion to dismiss the Amended Complaint of the plaintiff, The Property and Casualty Initiative, for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted. In support of its motion, the United States files the attached Memorandum of Law.

WHEREFORE, the United States requests that this Court grant its Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

Respectfully submitted,

UNITED STATES OF AMERICA,
By its attorney,

MICHAEL J. SULLIVAN
United States Attorney

Dated: September 21, 2005

By: /s/Gina Walcott-Torres
Gina Walcott-Torres
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LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel certifies that she conferred with counsel for the plaintiff during a conference call concerning the relief sought by this motion.

/s/Gina Walcott-Torres
Gina Walcott-Torres
Assistant U.S. Attorney